

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
LUCIO MENDEZ,

Plaintiff,

-against-

NOOCH, INC.; RED DOT COM, INC. d/b/a/  
Tangerine Restaurant and Café; and SUAN LAY  
ONG, a.k.a. Janice Ong,

Defendants.  
----- X

ECF Case  
Docket Number 07 CV 11174 (LLS)

**STATEMENT OF DAMAGES  
AS TO DEFENDANTS NOOCH,  
INC. AND RED DOT COM, INC.**

**As to Nooch, Inc.:**

Unpaid Wages and Damages	.....	\$7,673.21
Interest	.....	\$228.90
Total	.....	\$7,902.11

**As to Red Dot Com, Inc.:**

Unpaid Wages and Damages	.....	\$27,449.29
Interest	.....	\$9,885.49
Total	.....	\$37,334.78
<b>Attorneys' Fees:</b>	.....	\$7,940.00

**SUMMARY: Wages Owed By Defendant Nooch, Inc.**

Unpaid Wages		State		Federal		Total
Damages		2001 - 2004		2004 - 2007		2001 - 2007
		\$ 3,557.58		\$ 3,669.28		\$ 7,226.85
Unpaid Wages + Damages		889.39		3,669.28		4,558.67
		<u>\$ 4,446.97</u>		<u>\$ 7,338.55</u>		<u>\$ 11,785.52</u>
Incremental State Unpaid Wages*		State Incr.		Total Incr.		
Damages on Incremental		2004 - 2007		2004 - 2007		
		\$ 374.00		\$ 374.00		
Total Incremental Claim		93.50		93.50		
		<u>\$ 467.50</u>		<u>\$ 467.50</u>		
Spread		State		Total		
Spread Damages		2001 - 2007		2001 - 2007		
		\$ 916.15		\$ 916.15		
Total Spread + Damages		229.04		229.04		
		<u>\$ 1,145.19</u>		<u>\$ 1,145.19</u>		
Settlement		\$ (5,725.00)		\$ -		\$ (5,725.00)
Interest		\$ 228.90		\$ -		\$ 228.90
Unpaid Wages + Incremental + Spread		\$ 4,847.73		\$ 3,669.28		\$ 8,517.00
Damages		\$ 1,211.93		\$ 3,669.28		\$ 4,881.21
Total After Settlement		\$ 334.66		\$ 7,338.55		\$ 7,673.21
Total After Settlement + Interest		<u>\$ 563.56</u>		<u>\$ 7,338.55</u>		<u>\$ 7,902.11</u>

\* Incremental state unpaid wages, for the purposes of these calculations, is the additional state minimum wage owed during the period that the New York state minimum wage is higher than the federal minimum wage. This occurs when a claim arises under both federal and state law.

**Wages Owed By Defendant Nooch, Inc.**

SOL Key Date (Date case filed in court)  
 State SOL Cut-off Date  
 Federal SOL Cut-off Date

Hours Worked Per Week				Actual Pay		Statutory Rates		NYLL Calculations				Federal Calculations							
Week	Total Hrs	Reg Hrs	Total OT Hrs	Am't Paid Total	State Minimum Wage	Federal Minimum Wage	Correct Regular Pay	Correct OT Rate	Correct OT pay	Correct Total Pay	Unpaid for Week	Damages	Total State Demand	Correct Regular Pay	Correct OT pay	Correct Total Pay	Unpaid for Week	Damages	Total Federal Demand
9/6/04	0	0	0	\$0.00	\$5.15	\$5.15	\$0.00	\$7.73	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00						\$0.00
9/13/04	111	40	71	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$548.48	\$754.48	\$354.48	\$88.62	\$443.09	\$206.00			\$443.09		\$0.00
9/20/04	111	40	71	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$548.48	\$754.48	\$354.48	\$88.62	\$443.09	\$206.00			\$443.09		\$0.00
9/27/04	111	40	71	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$548.48	\$754.48	\$354.48	\$88.62	\$443.09	\$206.00			\$443.09		\$0.00
10/4/04	111	40	71	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$548.48	\$754.48	\$354.48	\$88.62	\$443.09	\$206.00			\$443.09		\$0.00
10/11/04	111	40	71	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$548.48	\$754.48	\$354.48	\$88.62	\$443.09	\$206.00			\$443.09		\$0.00
10/18/04	95	40	55	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$424.88	\$630.88	\$230.88	\$57.72	\$288.59	\$206.00			\$288.59		\$0.00
10/25/04	95	40	55	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$424.88	\$630.88	\$230.88	\$57.72	\$288.59	\$206.00			\$288.59		\$0.00
11/1/04	95	40	55	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$424.88	\$630.88	\$230.88	\$57.72	\$288.59	\$206.00			\$288.59		\$0.00
11/8/04	95	40	55	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$424.88	\$630.88	\$230.88	\$57.72	\$288.59	\$206.00			\$288.59		\$0.00
11/15/04	93	40	53	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$409.43	\$615.43	\$215.43	\$53.86	\$288.28	\$206.00			\$288.28		\$0.00
11/22/04	93	40	53	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$409.43	\$615.43	\$215.43	\$53.86	\$288.28	\$206.00			\$288.28		\$0.00
11/29/04	93	40	53	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$409.43	\$615.43	\$215.43	\$53.86	\$288.28	\$206.00			\$288.28		\$0.00
12/6/04	93	40	53	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$409.43	\$615.43	\$215.43	\$53.86	\$288.28	\$206.00			\$288.28		\$0.00
12/13/04	93	40	53	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$409.43	\$615.43	\$215.43	\$53.86	\$288.28	\$206.00			\$288.28		\$0.00
12/20/04	93	40	53	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$409.43	\$615.43	\$215.43	\$53.86	\$288.28	\$206.00			\$288.28		\$0.00
12/27/04	93	40	53	\$400.00	\$5.15	\$5.15	\$206.00	\$7.73	\$409.43	\$615.43	\$215.43	\$53.86	\$288.28	\$206.00			\$288.28		\$0.00
1/3/05	93	40	53	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$477.00	\$717.00	\$317.00	\$79.25	\$396.25	\$206.00	\$9.00	\$477.00	\$683.00	\$283.00	\$566.00
1/10/05	92	40	52	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$468.00	\$708.00	\$308.00	\$77.00	\$385.00	\$206.00	\$9.00	\$468.00	\$674.00	\$274.00	\$548.00
1/17/05	92	40	52	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$468.00	\$708.00	\$308.00	\$77.00	\$385.00	\$206.00	\$9.00	\$468.00	\$674.00	\$274.00	\$548.00
1/24/05	92	40	52	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$468.00	\$708.00	\$308.00	\$77.00	\$385.00	\$206.00	\$9.00	\$468.00	\$674.00	\$274.00	\$548.00
1/31/05	92	40	52	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$468.00	\$708.00	\$308.00	\$77.00	\$385.00	\$206.00	\$9.00	\$468.00	\$674.00	\$274.00	\$548.00
2/7/05	92	40	52	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$468.00	\$708.00	\$308.00	\$77.00	\$385.00	\$206.00	\$9.00	\$468.00	\$674.00	\$274.00	\$548.00
2/14/05	92	40	52	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$468.00	\$708.00	\$308.00	\$77.00	\$385.00	\$206.00	\$9.00	\$468.00	\$674.00	\$274.00	\$548.00
2/21/05	92	40	52	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$468.00	\$708.00	\$308.00	\$77.00	\$385.00	\$206.00	\$9.00	\$468.00	\$674.00	\$274.00	\$548.00
2/28/05	92	40	52	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$468.00	\$708.00	\$308.00	\$77.00	\$385.00	\$206.00	\$9.00	\$468.00	\$674.00	\$274.00	\$548.00
3/7/05	92	40	52	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$468.00	\$708.00	\$308.00	\$77.00	\$385.00	\$206.00	\$9.00	\$468.00	\$674.00	\$274.00	\$548.00
3/14/05	92	40	52	\$400.00	\$6.00	\$6.15	\$240.00	\$9.00	\$468.00	\$708.00	\$308.00	\$77.00	\$385.00	\$206.00	\$9.00	\$468.00	\$674.00	\$274.00	\$548.00
3/21/05	0	0	0	\$0.00	\$6.00	\$5.15	\$0.00	\$9.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9.00	\$0.00	\$0.00	\$0.00	\$0.00
3/28/05	0	0	0	\$0.00	\$6.00	\$5.15	\$0.00	\$9.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals											\$3,557.58	\$889.39	\$4,446.97				\$3,669.28	\$3,669.28	\$7,338.55
				State Unpaid Wages -		State Damages		Total State Demand						Fed. Unpaid Wages		Fed. Damages		Total Fed. Demand	

Incremental State Calculation										Spread-of-Hours Calculations										Nooch Settlement										CPLR Prejudgment Interest Calculations									
Week	Use Federal or State?	Total Demand	Incremental State Claim	Damages on Incremental Claim	#Days >10	Min Wage	Spread Bonus Due	Spread Damages	Total Spread Demand	Total Demand Pre- settlement	Amount covered by settlement	Total demand after settlement	Current date	Days Elapsed	Interest on State Wages	Spread Interest	Total Interest																						
9/6/04	State	\$0.00			0	\$5.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/27/08	1341	\$0.00	\$0.00	\$0.00																						
9/13/04	State	\$443.09			7	\$5.15	\$36.05	\$9.01	\$45.06	\$488.16	\$488.16	\$0.00	5/27/08	1344	\$0.00	\$0.00	\$0.00																						
9/20/04	State	\$443.09			7	\$5.15	\$36.05	\$9.01	\$45.06	\$488.16	\$488.16	\$0.00	5/27/08	1327	\$0.00	\$0.00	\$0.00																						
9/27/04	State	\$443.09			7	\$5.15	\$36.05	\$9.01	\$45.06	\$488.16	\$488.16	\$0.00	5/27/08	1320	\$0.00	\$0.00	\$0.00																						
10/4/04	State	\$443.09			7	\$5.15	\$36.05	\$9.01	\$45.06	\$488.16	\$488.16	\$0.00	5/27/08	1313	\$0.00	\$0.00	\$0.00																						
10/11/04	State	\$443.09			7	\$5.15	\$36.05	\$9.01	\$45.06	\$488.16	\$488.16	\$0.00	5/27/08	1306	\$0.00	\$0.00	\$0.00																						
10/18/04	State	\$288.59			6	\$5.15	\$30.90	\$7.73	\$38.63	\$327.22	\$327.22	\$0.00	5/27/08	1299	\$0.00	\$0.00	\$0.00																						
10/25/04	State	\$288.59			6	\$5.15	\$30.90	\$7.73	\$38.63	\$327.22	\$327.22	\$0.00	5/27/08	1292	\$0.00	\$0.00	\$0.00																						
11/1/04	State	\$288.59			6	\$5.15	\$30.90	\$7.73	\$38.63	\$327.22	\$327.22	\$0.00	5/27/08	1286	\$0.00	\$0.00	\$0.00																						
11/8/04	State	\$288.59			6	\$5.15	\$30.90	\$7.73	\$38.63	\$327.22	\$327.22	\$0.00	5/27/08	1279	\$0.00	\$0.00	\$0.00																						
11/15/04	State	\$269.28			6	\$5.15	\$30.90	\$7.73	\$38.63	\$307.91	\$307.91	\$0.00	5/27/08	1272	\$0.00	\$0.00	\$0.00																						
11/22/04	State	\$269.28			6	\$5.15	\$30.90	\$7.73	\$38.63	\$307.91	\$307.91	\$0.00	5/27/08	1265	\$0.00	\$0.00	\$0.00																						
11/29/04	State	\$269.28			6	\$5.15	\$30.90	\$7.73	\$38.63	\$307.91	\$307.91	\$0.00	5/27/08	1258	\$0.00	\$0.00	\$0.00																						
12/6/04	State	\$269.28			6	\$5.15	\$30.90	\$7.73	\$38.63	\$307.91	\$307.91	\$0.00	5/27/08	1251	\$0.00	\$0.00	\$0.00																						
12/13/04	Federal	\$430.85	\$0.00	\$0.00	6	\$5.15	\$30.90	\$7.73	\$38.63	\$489.48	\$469.48	\$0.00	5/27/08	1244	\$0.00	\$0.00	\$0.00																						
12/20/04	Federal	\$430.85	\$0.00	\$0.00	6	\$5.15	\$30.90	\$7.73	\$38.63	\$489.48	\$274.24	\$195.24	5/27/08	1237	\$0.00	\$0.00	\$0.00																						
12/27/04	Federal	\$430.85	\$0.00	\$0.00	6	\$5.15	\$30.90	\$7.73	\$38.63	\$489.48	\$0.00	\$635.50	5/27/08	1230	\$10.40	\$11.02	\$21.42																						
1/3/05	Federal	\$568.00	\$34.00	\$8.50	6	\$6.00	\$36.00	\$9.00	\$45.00	\$635.50	\$0.00	\$635.50	5/27/08	1224	\$10.34	\$10.95	\$21.30																						
1/10/05	Federal	\$568.00	\$34.00	\$8.50	6	\$6.00	\$36.00	\$9.00	\$45.00	\$635.50	\$0.00	\$635.50	5/27/08	1217	\$10.29	\$10.89	\$21.18																						
1/17/05	Federal	\$568.00	\$34.00	\$8.50	6	\$6.00	\$36.00	\$9.00	\$45.00	\$635.50	\$0.00	\$635.50	5/27/08	1210	\$10.23	\$10.83	\$21.05																						
1/24/05	Federal	\$568.00	\$34.00	\$8.50	6	\$6.00	\$36.00	\$9.00	\$45.00	\$635.50	\$0.00	\$635.50	5/27/08	1197	\$10.17	\$10.77	\$20.95																						
1/31/05	Federal	\$568.00	\$34.00	\$8.50	6	\$6.00	\$36.00	\$9.00	\$45.00	\$635.50	\$0.00	\$635.50	5/27/08	1190	\$10.12	\$10.71	\$20.83																						
2/7/05	Federal	\$568.00	\$34.00	\$8.50	6	\$6.00	\$36.00	\$9.00	\$45.00	\$635.50	\$0.00	\$635.50	5/27/08	1183	\$10.06	\$10.65	\$20.70																						
2/14/05	Federal	\$568.00	\$34.00	\$8.50	6	\$6.00	\$36.00	\$9.00	\$45.00	\$635.50	\$0.00	\$635.50	5/27/08	1176	\$10.00	\$10.58	\$20.58																						
2/21/05	Federal	\$568.00	\$34.00	\$8.50	6	\$6.00	\$36.00	\$9.00	\$45.00	\$635.50	\$0.00	\$635.50	5/27/08	1167	\$9.92	\$10.50	\$20.42																						
2/28/05	Federal	\$568.00	\$34.00	\$8.50	6	\$6.00	\$36.00	\$9.00	\$45.00	\$635.50	\$0.00	\$635.50	5/27/08	1160	\$9.86	\$10.44	\$20.30																						
3/7/05	Federal	\$568.00	\$34.00	\$8.50	6	\$6.00	\$36.00	\$9.00	\$45.00	\$635.50	\$0.00	\$635.50	5/27/08	1153	\$9.80	\$10.38	\$20.18																						
3/14/05	Federal	\$0.00	\$0.00	\$0.00	0	\$6.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/27/08	1146	\$0.00	\$0.00	\$0.00																						
3/21/05	Federal	\$0.00	\$0.00	\$0.00	0	\$6.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	5/27/08	1139	\$0.00	\$0.00	\$0.00																						
Totals		\$93.50	\$374.00	\$93.50	167		\$916.15	\$229.04	\$1,145.19	\$123,988.21	\$ 5,725.00	\$7,673.21			\$111.18	\$117.72	\$228.90																						
		Incremental State Claim	Incremental Damages	#Days >10	Spread Bonus Due	Spread Damages	Total Spread Demand	Total Demand Pre- settlement	Total settlement	Total Demand Post- Settlement	Interest on State Wages	Spread Interest	TOTAL Interest																										

<b>SUMMARY: Wages Owed By Defendant Red Dot Com, Inc.</b>
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Unpaid Wages	\$	17,787.93
25% Damages	\$	4,446.98
Unpaid Wages + Damages	\$	<u>22,234.91</u>
Spread	\$	4,171.50
25% Damages	\$	1,042.88
Total Spread + Damages	\$	<u>5,214.38</u>
Unpaid Wages + Spread + Damages	\$	27,449.29
Interest	\$	9,885.49
Total	\$	<u>37,334.78</u>





